

REGULAR CITY COUNCIL MEETING

OCTOBER 1, 1984

PRESENT

Grant S. Nielson
Craig Greathouse
Don Dafoe
Ruth Hansen
Gayle Bunker
Neil Dutson

Mayor
Council Member
Council Member
Council Member
Council Member
Council Member

ABSENT

None

OTHERS PRESENT

Jim Allan
Dorothy Jeffery
John Quick
Warren Peterson
Bryce Ashby
Julie Chase
Eleanor Dalton
Joyce Knight
Jayne Knight
Seth Jackson
Steve Riding
Lynn Ashby
D. Scott Nickle
David Evans
Stan Koyle

City Manager
City Recorder
City Engineer
City Attorney
Delta City Fire Chief
Delta Middle School
Delta Middle School
Parent
Parent
Delta Fire Department
Delta Fire Department
Delta Fire Department
Delta Fire Department
Evans Taggart Company
IPP

Mayor Nielson called the meeting to order at 7:00 p.m. and stated that the notice of the time, place and agenda of the meeting had been posted at the principal office of the governing body and had been provided to the Millard County Chronicle, the Millard County Gazette, and the local radio station, KNAK, and to each member of the governing body by personal delivery of copies of the Notice and Agenda forty-eight (48) hours prior to the meeting.

ACCOUNTS PAYABLE

The Council discussed the Accounts payable, a list of which had been previously distributed to the Council members. Council Member Don Dafoe MOVED to pay the current bills as listed, including Attorney Warren Peterson and Snow, Christensen & Martineau. The total of the accounts approved was \$52,603.73. Council Member Craig Greathouse SECONDED the motion, which carried unanimously.

CITY ATTORNEY WARREN PETERSON: PROPOSED ORDINANCE FOR DEDICATION AND ACCEPTANCE OF STREETS WITHIN THE WHITE SAGE DEVELOPMENT AREA

Attorney Warren Peterson stated that the final acceptance of the streets in the White Sage Development have been pending for some time. The original agreement said that the streets would be improved to meet City standards and after they were improved to City standards, the Council would accept them on the same basis as other streets in the City. Attorney Peterson displayed the proposed dedication plats and explained that they have not yet been recorded because:

1. There were some details that were left out;
2. The status of the improvements was not certain; and
3. The escrow agreement set up for the guarantee of the improvements needs to be amended so that the improvements for the streets located in the White Sage Development, but not in the White Sage Subdivision, are also included. The escrow agreement presently includes the White Sage Subdivision, but does not take in the larger area of the White Sage Development. Mr. Peterson said an amendment has been prepared.

Attorney Warren Peterson stated that he has included both agenda Item B, Proposed Ordinance For Dedication and Acceptance of Streets Within the White Sage Development, and agenda Item C, Amendment to the White Sage Escrow Account, in the same ordinance because they are closely related in subject matter. Attorney Peterson suggested that the Council act on these together. Attorney Peterson explained that this ordinance would amend the escrow agreement so that the escrow account covers both the White Sage Development and the streets proposed for dedication.

Mr. Peterson said that one reason for attempting to have the plats approved now is that some real estate is being traded at White Sage and would require additional owners to dedicate roadways. The ordinance approves the escrow agreement amendment. The ordinance allows the plats to be recorded now as soon as that amendment is in place. The original escrow agreement was set up with sufficient funding to cover both the streets in White Sage Subdivision and the streets in White Sage Development, but failed to specify that it applied to both, he said.

Attorney Peterson stated that for approval of the street improvements, the ordinance delegates that responsibility to City Engineer John Quick without further Council review. If the Council wants to review the completion of the improvements again, approval of the ordinance has to be postponed so that ordinance can be redrafted, he said.

City Manager Jim Allan asked how much money would remain in the escrow account for warranty work. The amount is \$247,000.

City Recorder Dorothy Jeffery stated that the number of this ordinance is 84-85.

Attorney Peterson distributed drawings of the streets that need dedication for the Council to examine. After some discussion and review of the streets, Council Member Don Dafoe MOVED that the Council adopt Ordinance 84-86 accepting dedication of public streets in the White Sage Development. Council Member Ruth Hansen SECONDED the motion. Mayor Nielson then asked the Council for any questions or comments. John Quick asked if this ordinance applies to all the dedicated streets, as well as those within the White Sage Subdivision. Attorney Peterson stated that this ordinance gives Mr. Quick responsibility of approval on the White Sage streets outside the subdivision. The streets inside the subdivision would be approved under the procedure in the subdivision ordinance. After further discussion of the ordinance, the Mayor called for a vote. Ordinance No. 84-86 passed by a roll call vote as follows:

Council Member Ruth Hansen	Yes
Council Member Craig Greathouse	Yes
Council Member Gayle Bunker	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes

CITY ATTORNEY WARREN PETERSON: PROPOSED RESOLUTION FOR THE ACCEPTANCE OF WHITE SAGE NEIGHBORHOOD PARK

Mayor Nielson asked Mr. Peterson to explain the proposed resolution. Attorney Peterson stated that the repairs and improvements needed to complete the Neighborhood Park have been identified. He said Intermountain Power Agency (IPA) has requested that the transfer be made as soon as possible without waiting for completion of the repairs. He said the Memorandum of Understanding between Delta City and IPA approved at the previous Council meeting, prepared by Jim Allan and Stan Koyle, included those details. Mr. Peterson explained that this resolution accepts dedication of the Neighborhood Park in Section 1. Section 2 officially names that park as the Delta City White Sage Neighborhood Park. The resolution also establishes as a condition of acceptance that the terms of that Memorandum of Understanding should be fulfilled.

Stan Koyle mentioned that the resolution states that if IPA does not complete the park, then Delta City can do it and bill IPA.

Council Member Don Dafoe MOVED to adopt Resolution No. 84-115 accepting dedication of the White Sage Neighborhood Park. Council Member Ruth Hansen SECONDED the motion, which passed unanimously on a roll call vote as follows:

Council Member Ruth Hansen	Yes
Council Member Craig Greathouse	Yes
Council Member Gayle Bunker	Yes
Council Member Don Dafoe	Yes
Council Member Neil Dutson	Yes

PARKS DIRECTOR LAURA BURNHAM: ESTABLISH RENTAL FEES FOR DELTA CITY PARKS

Parks Director Laura Burnham presented the following Facility Rental Fee Schedule for the Council's approval:

DELTA CITY PARKS & RECREATION

FACILITY RENTAL FEES

			<u>Non-Profit</u>	<u>Profit</u>
1.	Community Center	Daily	\$60.00	\$80.00
	Kitchen/Activity Rm	Hourly	8.00	10.00
	Game Room		6.00	8.00
	Arts & Crafts		6.00	8.00
2.	Pavillion	4 hr time limit	\$10.00	15.00
	7-11 am			
	12-4 pm			
	5-9 pm			
3.	Soft Ball Diamonds	Daily/no lights	\$40.00	60.00
		Daily/with lights	60.00	80.00
	(per field)	Hourly/no lights	8.00	10.00
		Hourly/with lights	20.00	30.00
4.	Concession Stand	Daily	40.00	60.00
5.	Tennis Courts	Daily	40.00	60.00
	(both courts)	Hourly	6.00	8.00
6.	Volleyball Courts	Daily	40.00	60.00
	(both courts)	Hourly	6.00	8.00

Ms. Burnham stated that these fees apply only to rent of the facilities. There is no charge if there is nothing scheduled and no reservations have been made at the time one uses the facilities.

City Manager Jim Allan stated that the money the Parks and Recreation Department brings in in rental fees stays in the Parks and Recreation Department.

Council Member Craig Greathouse MOVED to accept the City Parks and Recreation facility rental fees. Council Member Neil Dutson SECONDED the motion. The motion passed unanimously.

CITY MANAGER JIM ALLAN: EMPLOYEE EVALUATION AND UPGRADE PUBLIC WORKS FOREMAN TO ASSISTANT PUBLIC WORKS DIRECTOR

City Manager Jim Allan stated that Alan Riding, Public Works Foreman is now at a Grade 14, Step C. Alan Riding has been acting as the Assistant Public Works Director. Mr. Riding is involved with assigning work, supervising

crews, directing the installation of the water and sewer connections, trouble shooting and responding to complaints and faults in the system. Mr. Riding has been involved in setting up the budget and insuring that their expenditures fall within the budget. Mr. Riding has been taking Neil Forster's place in his absence. Mr. Allan stated that because of the work Mr. Riding is doing, his title should be changed to Assistant Public Works Director and upgraded to a Grade 16. The position of Public Works Foreman would then be abolished.

Neil Forster recommended that Mr. Riding still remain on an hourly wage and receive overtime. Mr. Forster also said that Mr. Riding would act as supervisor 50% of the time or more and work with the crew when necessary. Mr. Forster stated that Mr. Riding is now at Grade 15D which pays \$14,057 and is requesting that Mr. Riding be given a raise to \$15,076.

Council Member Neil Dutson MOVED that the Council designate Alan Riding as Assistant Public Works Director with an increase in grade step from 15C to 16D. Neil Forster stated that the personnel manual needs to be amended to delete the foreman's position and replace it with Assistant Public Works Director. Attorney Peterson explained that the Council could increase Mr. Riding's grade and step as the Public Works Foreman, but that he cannot be made an Assistant Public Works Director without adopting a resolution amending the personnel policies manual.

Council Member Neil Dutson MOVED to amend the personnel manual to delete the section of Public Works Foreman and create the new position of Assistant Public Works Director. Mr. Dutson also MOVED to raise Alan Riding from a Grade 15C to 16D effective immediately. Council Member Don Dafoe SECONDED The motion. The motion passed unanimously.

CITY MANAGER JIM ALLAN: DISCUSSION/CONSIDERATION OF NEW DELTA CITY MASTER PLAN

City Manager Jim Allan stated that on Thursday, September 27, a work session was held. Representatives from the City Council, Planning and Zoning Commission and the Board of Adjustments were in attendance. During the meeting, John Willie said that IPA would probably be able to fund a Delta City Master Plan. John Willie was very positive and stated that the Master Plan could be put together within three to six months. Since the Master Plan is a necessary document in order to proceed with the zoning ordinance, Attorney Peterson and John Willie could work together so both documents could be complete within 3 to 6 months, he said.

The question was raised as to whether or not the Council would want to move to authorize John Willie to proceed on doing the necessary study for the Master Plan for the City.

Council Member Craig Greathouse MOVED to contact John Willie to have the Master Plan revised as soon as possible. Council Member Neil Dutson SECONDED the motion. The motion passed unanimously.

CITY MANAGER JIM ALLAN: CONSIDERATION FOR CREATION OF A MILLARD COUNTY FIRE SERVICE DISTRICT

Mr. Allan made reference to a letter from Millard County Attorney Steven R. Jackson to Mayor Grant Nielson. Mr. Jackson is requesting that Delta City consider the establishment of a County-wide Fire District and that Delta City adopt a resolution approving inclusion of Delta City within that district. The City, in so doing, would join the fire district.

Mr. Allan referred to paragraph 2.D entitled "Term and Duration" of Impact Alleviation Agreement No. 47, which states:

In the event Delta becomes part of a special service district which imposes ad valorem taxes on the Project and from which Delta receives services or facilities for which IPA is obligated to pay impact alleviation funds under this agreement, the Project Financial Responsibility for the budget item need shall terminate at the beginning of the first fiscal year of such a district in which it is entitled to collect ad valorem taxes from the Project.

City Manager Jim Allan explained that the City has approximately \$200,000.00 that has been granted to it for fire equipment. Of that, approximately \$12,000.00 has been spent.

Delta City Fire Chief Bryce Ashby, also representing the volunteer firemen, stated that the fire department does not want to be a Millard County fire department. The firemen feel that Delta City Fire Department is far advanced from the rest of the County, and they want to remain a Delta City Fire Department.

City Manager Jim Allan stated that another way the fire district can be formed with Delta maintaining control over its own fire department is to establish the Fire District excluding Delta. The Fire District would then contract with Delta to provide fire services as they are now being provided to Millard County.

Mayor Nielson recommended that the Council think about this issue for one week and see if some negotiating with Millard County can be done and bring it back at a later date. No further action was taken.

CITY MANAGER JIM ALLAN: SCHOOL DISTRICT REQUEST FOR SCHOOL CROSSING AND SCHOOL CROSSING GUARD ON MAIN STREET

City Manager Jim Allan stated that Millard County School District Superintendent Kenneth Topham has requested that the City consider hiring a crossing guard so that students coming across Main Street can safely cross to go to the Middle School and high school. Mr. Allan reported that the Utah Department of Transportation (UDOT) said that flashing lights marking the crossing could be put up and it would take approximately four weeks after a request is submitted and the City would be responsible for

maintaining the signal and paying for the power after installation. Crossing guards would have to wear a uniform, have a stop sign and the City would be responsible for paying the guard's wages, he said. City Manager Allan and Millard County School District Superintendent Kenneth Topham felt that possibly the PTA could be involved as crossing guards.

Mrs. Joyce Knight suggested that a flashing light be used to indicate a school zone and warning signs also. Mayor Grant Nielson asked for any comments from the Council. Council Member Craig Greathouse stated that there is a need for a school crossing guard, but that the School District should help with the funding of it as they have in the past.

Council Member Craig Greathouse MOVED to authorize City Manager Jim Allan to meet with Superintendent Topham and IPA to discuss the funding for a crossing guard on Main Street. Council Member Gayle Bunker SECONDED the motion. Mayor Nielson called for discussion on the motion. There being no discussion, he called for a vote on the motion. The motion passed unanimously.

CITY MANAGER JIM ALLAN: PERFORMANCE AND EVALUATION OF DELTA CITY TREASURER

This item was passed until the end of the agenda.

CITY MANAGER JIM ALLAN: DISCUSSION OF COSTS FOR UTAH POWER TO INSTALL A STREET LIGHT SYSTEM ON DELTA'S MAIN STREET

City Manager Jim Allan stated that replacement of the existing Main Street lighting was discussed by the City Council about one and a half years ago. He said the present system is antiquated, being about thirty years old, and replacement parts are almost impossible to obtain. He presented two options for upgrading the system.

Option 1. Utility Owned System.

The City would be paying \$1,126.20 per month for an indefinite period for an upgrade of the lights within Delta if the system was installed and owned by Utah Power & Light Company (UP&L). This would include eleven new lights so that lighting would be extended out to 500 West.

Option 2. City Owned System.

The City could buy its own lighting system at a cost of \$98,217. In addition to that cost, there would be the cost of the power for those lights which is estimated at \$300 per month. Over a thirty year period, which is the life of the new system, the cost would be \$405,432. If the City were to own the system, the amortized cost over 30 years would be \$9,822 per year. Depreciating the cost for thirty years, the cost was \$548,630. Based on that concept, Mr. Allan said it would be cheaper initially to have UP&L install the system and the City rent it. In renting the system, 84% of that cost is for the power, but if there are any power rate increases, then that amount would go up

substantially over a 30 year period. Under the City owned system, there would be about a 30% cost for power. Over a 30 years period, the best option would be to have a City owned system, Mr. Allan said.

Following further discussion, the Council decided to take no action at this time.

CITY ATTORNEY WARREN PETERSON: DAVE EVANS - FINAL APPROVAL OF MEADOW PARK PLAT B

Dave Evans of Evans-Taggart Company requested final plat approval of an additional 22 lots in Meadow Park Subdivision, Plat B.

Council Member Gayle Bunker MOVED that the Council approve Meadow Park Subdivision, Plat B for final approval, subject to approval by the City Engineer and City Attorney. Council Member Don Dafoe SECONDED the motion, which carried unanimously.

CITY ENGINEER JOHN QUICK: PARTIAL PAYMENT REQUEST FOR INTERSTATE CONSTRUCTION (SEWER IMPROVEMENTS PHASE III)

Interstate Construction submitted a pay request of \$163,677.60. That amount is from a total contract of \$589,000. That amount is for two items: lagoon dike construction and the mobilization.

Council Member Neil Dutson MOVED that Interstate Construction Company be paid \$163,677.60. Council Member Craig Greathouse SECONDED the motion, which passed unanimously.

CITY ENGINEER JOHN QUICK: ANNOUNCEMENT OF LOW BID FOR PAINTING CONTRACT OF .5 MILLION GALLON DELTA CITY WATER TANK

Mr. Quick reported that the low bidder for the painting contract of .5 million gallon Delta City Water Tank is State Painting Company out of Salt Lake City. He said their bid is \$24,809, with a cost to paint the tank of \$23,489 and the cost to paint the building of \$1,320. He also said IPP is not willing to fund this project, so Utah Division of Water Resources funding is being used. Mr. Quick said he has talked with Boyd Phillips from the Division of Water Resources and Mr. Phillips stated that water resource money can be used, provided that the bond issued by the City does not restrict this use of the funds.

Mr. Quick said two others bids were received. One bid was from Major for \$29,816 and one bid for \$33,325 from Richmond.

Council Member Don Dafoe MOVED to accept the bid of \$23,489 to paint the .5 million gallon culinary water reservoir, subject to the bonding being in place. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

CITY MANAGER JIM ALLAN: WILFORD JENSON CONSTRUCTION COMPANY REQUEST FOR FINAL PAYMENT -- REVIEW OF INCOMPLETE WORK ON DELTA MUNICIPAL BUILDING AND LIQUIDATION DAMAGES

City Manager Jim Allan said Wilford Jenson Construction Company has submitted a final request for payment in the amount of \$36,959.

City Manager Jim Allan stated that the uncompleted work and the amount that the City is holding is an appropriate amount, since the contractor has substantially completed the contract.

Council Member Craig Greathouse MOVED to pay \$27,529.96 and to encourage the contractor to get the incomplete work done. Council Member Neil Dutson SECONDED the motion, which passed unanimously.

COUNCIL MEMBER CRAIG GREATHOUSE: DISCUSSION ON POLICY FOR ZONING VIOLATIONS

Council Member Craig Greathouse said that he met with the Planning and Zoning Committee and the Board of Adjustments and they would like to establish a policy for handling zoning violations so there is a standardized method. Council Member Greathouse asked what procedures are followed if there is a zoning violation. Mr. Greathouse said he felt there was no established procedure.

Attorney Peterson stated that if there is a zoning violation, there are legally established procedures and guidelines that are followed by the City Zoning Enforcement Officer, but that complaints are often more directly to the City Council instead of the Zoning Officer. He said the only time anyone should come to the Council is if they have a legitimate argument to change the zoning ordinance.

No further action was taken.

MAYOR GRANT NIELSON: DON PILLING -- PROPOSAL FOR SPRINKLING SYSTEM OF CENTRAL CITY PARK

Mayor Nielson said that a portion of the Central City Park has been cut off from access to irrigation ditches and it burdens the City Parks Department staff to keep it watered by hoses. Mayor Nielson said Don Pilling has submitted a bid of \$5,200. The Council agreed that price was too high. The Council concurred that this topic should be discussed at a later date.

CITY ATTORNEY WARREN PETERSON: PROPOSED ORDINANCE FOR STREET VACATION ON LOT 12 IN THE WHITE SAGE SUBDIVISION

City Attorney Peterson stated that a petition has been submitted from each of the owners of Lots 11, 12 and 13 in the White Sage Subdivision to vacate a strip of ground 2 feet in width adjacent to Lot 12 of White Sage Subdivision.

Council Member Gayle Bunker MOVED that the City vacate 30 inches from Lots 8 to 13 on Willow Street with Robert Pendray being responsible for getting the petition signed by all the lot owners in that area for the vacation and for paying costs to prepare a legal description of the vacation area. Council Member Don Dafoe SECONDED the motion. The Mayor called for a vote, which is as follows:

Council Member Neil Dutson	No
Council Member Don Dafoe	Yes
Council Member Craig Greathouse	No
Council Member Ruth Hansen	Yes
Council Member Gayle Bunker	Yes

The motion passed.

CITY ATTORNEY WARREN PETERSON: REQUEST TO APPEAR AS AMICUS CURIAE IN WARD VS. RICHFIELD CITY CASE

City Attorney Warren Peterson said that Richfield City has been sued by their former Police Chief whom they fired under a Utah statute which says that a police chief can be fired at any time with or without cause. The Utah Supreme Court decision that was passed down on August 16 states that some showing of reasons to fire the police chief have to be made. The City of Richfield is filing for a rehearing because they think that the decision conflicts with the statute and an earlier decision of the Utah Supreme Court. The City of Richfield is seeking participation from all the other Utah cities.

Mr. Peterson said the legal work is being done by Richfield City. As the decision is considered by the Supreme Court, it may look for the effect on other cities and this is a way of showing solidarity with a fellow city.

Council Member Ruth Hansen MOVED to approve the request of Attorney Peterson to appear as Amicus Curiae in the Ward vs. Richfield City case. Council Member Craig Greathouse SECONDED the motion, which passed unanimously.

OTHER BUSINESS

Attorney Peterson stated that the ordinance vacating the alley for the Utah Power & Light yard should be placed on the agenda for next week.

It was mentioned that the proposal for Wally Church to buy surplus land from the City needs to be placed on the agenda for next week.

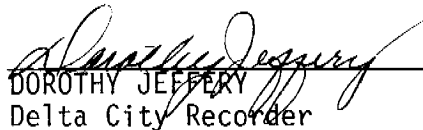
City Recorder Dorothy Jeffery asked for the Council's approval to have all agenda items to her by noon on Thursdays to allow time to have the agenda prepared and any items copied for the packets to be distributed to the City Council members. City Recorder Jeffery also asked for approval to have the police department deliver the packets to the Council members at noon on Friday. Council Member Neil Dutson MOVED to approve the agenda procedure. Council Member Don Dafoe SECONDED the motion, which passed unanimously.

The Council then moved into closed session to discuss the performance and evaluation of Delta City Treasurer on a MOTION by Council Member Don Dafoe, SECONDED by Council Member Ruth Hansen, and approved by a majority vote, with Council Member Greathouse voting against the motion. The Council then went into closed session at 10:15 p.m.

Council Member Ruth Hasnen MOVED the Council reconvene into open meeting. The motion was SECONDED by Council Member Neil Dutson. The motion carried unanimously. The Council meeting was opened to the public at 11:26 p.m.

Mayor Nielson asked if there were any further questions or comments. There being none, he called for a motion to adjourn. Council Member Neil Dutson MOVED the meeting be adjourned. The motion was SECONDED by Council Member Ruth Hansen. The motion passed unanimously, and the meeting was adjourned at 11:35 p.m.

Attest:


DOROTHY JEFFERY
Delta City Recorder


GRANT S. NIELSON, Mayor

MINUTES APPROVED: May 6, 1985